

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3240 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

NAVNITLAL CHOTTALAL DAVE

Versus

STATE OF GUJARAT

Appearance:

MR SK JHAVERI for Petitioners
MR LR POOJARI,AGP. for Respondent No. 1
MR AR MAJMUDAR for Respondent No. 3
MR MD CHAUHAN for Respondent No. 21
MR KM PARIKH for Respondent No. 93

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 02/05/2000

ORAL JUDGEMENT

#. The petitioner who was holding vacant land in

excess of ceiling limit had filed the declaration under the provisions of Urban Land (Ceiling and Regulation) Act, 1976. He had also submitted a scheme under section 21 (1) of the Act for the construction of the dwelling units. The scheme was sanctioned by the competent authority by his order dated 21.10.1980 subject to certain conditions. By order dated 19.9.1985 the Competent Authority cancelled the said scheme on the ground that the construction had not been made in accordance with the scheme and the revised scheme also not been sanctioned. He therefore directed that the land in question should be included in the holding of the petitioner and the declaration form should be processed in accordance with law. The petitioner filed appeal to the Urban Land Tribunal (No.Baroda 159 of 1985) under section 33 of the Act. The Tribunal by its order dated 30.1.1986 dismissed the appeal. This petition under Article 226 of the Constitution is directed against the said order of the Competent Authority as confirmed in appeal by the Tribunal. The respondent nos. 3 to 110 who are all occupants of the dwelling units which had already been constructed on the land in question have been impleaded as parties at their instance since they were interested in the result of the petition.

#. Notice on the petition was issued on 27.6.1986. Ad-interim stay of the impugned order was granted. Rule was issued on 21.07.1986 and the ad-interim relief was ordered to continue on condition that the petitioner should maintain status quo and that he would not make further construction. Thus, it is clear that when the petition was filed the petitioner was still in possession of the land in question. Today the learned Assistant Government Pleader Mr.L.R.Poojari produces a copy of the letter addressed to him by the Competent Authority intimating that possession of the land had not been taken. Since possession has not been taken, the proceedings relating to the order of the competent authority abate in view of the provisions of Section 4 of the Urban Land (Ceiling and Regulation) Repeal Act,1999. The present petition therefore does not survive and is accordingly disposed of. Rule discharged. No order as to costs.

m.m.bhatt